

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-52 are pending in the application. Upon entry of this Amendment, claims 1, 11, 12, 16, 17, 19, 20, 25, 26, 27, 31, 32, 34-36, 39, 41, and 45-48 will be amended.

In the outstanding Office Action of September 28, 2004, the Examiner required a new title, stating that the title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. The title of the invention has now been amended to provide a new title which is believed to be more descriptive of the invention. In view of this revised title, the Examiner's objection to the title should now be withdrawn.

In the outstanding Office Action, the Examiner also stated that the Abstract of the Disclosure cannot exceed 150 words. The Abstract of the Disclosure has now been amended to ensure that its length does not exceed 150 words. In view of the amendments to the Abstract, the Examiner's objection to the Abstract should now be withdrawn.

The Examiner also objected to claims 1-52 because of the use of the word "persons" in certain of the claims. The Examiner contended that "persons" should

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be replaced with -- users, customers or recipients --. The Examiner's objection is respectfully traversed. It is noted that the replacement terms suggested by the Examiner are inappropriate for the invention claimed in the present application. The term "persons" is used in connection with an initial mailing list that is then screened to eliminate persons and generate a potential list of customers. None of the terms suggested by the Examiner are appropriate. The initial list of "persons" will include persons that will not be users, customers or recipients, since they will not receive a mailing that would persuade them to go to the E-commerce website and place an order. The use of the term "persons" was discussed with the Examiner in a telephone conference on November 30, 2004, at which time the difference between the use of the terms "persons" and "potential customers" was explained to the Examiner. In providing this explanation, the Examiner indicated that keeping the term "persons" in the claims would be acceptable. Accordingly, it is respectfully requested that the Examiner's objection to the use of the term "persons" in the claims be withdrawn.

Finally, the Examiner rejected claims 1-52 under 35 U.S.C. §103(a) as being unpatentable over Shane (U.S. Patent No. 5,793,972) in view of Bezos (U.S. Patent No. 6,029,141). The Examiner's rejection is respectfully traversed.

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For a claimed invention to be obvious over a combination of cited references, there must be some suggestion, motivation or teaching in the cited references that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g., Ashland Oil, Inc. v. Delta Resins & Refracs.*, 776 F.2d 281, 293 (Fed. Cir. 1985). Here, the claimed invention of the present application is not obvious over the cited references because such references do not disclose or suggest, either alone or in combination, several of the features of the claimed invention, such that a combination of the cited references will still not result in the claimed invention.

Independent claims 1, 25 and 39 have been amended to clarify that, in the method and system of the present invention, (1) the mailer for each potential customer has printed on it a login name for the potential customer that includes the potential customer's name, (2) when a potential customer's login name is compared with stored names, a program allows the matching of the login name with stored names, even in instances of mis-keyed or misspelled name entries, and (3) even where a potential customer's login name does not correspond to a stored name, a standard welcome is transmitted to the potential customer, thereby allowing access to the E-commerce website by such customers. Independent claim 25 has also

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been amended to clarify that the mailer is a high visibility mailer, whereby it is designed to get the attention of a potential customer to which it is mailed. None of these features are disclosed or suggested by either of the references cited by the Examiner, either alone or in combination.

Shane discloses a system and method for providing an interactive response to direct mail by creating a personalized web page based on a URL provided on a piece of mail. However, in *Shane's* system and method the URL mailed to a recipient contains a personal identification code for the recipient that is numerical in nature. *See, Shane*, col. 2, lns. 53-59 and col. 5, lns. 1-4. An example of *Shane's* personal identification code is shown as item 56 in Figure 2 of *Shane*. *Shane* does not disclose or suggest a URL that includes a potential customer's name, as recited in independent claims 1, 25 and 39 of the present application. The only other URL disclosed by *Shane* is the "typical URL" discussed at col. 5, lns. 45-50, which is identified by *Shane* as www.abc.com/myproject/mypage.htm.

Shane also does not teach the use of a program that allows the matching of a login name with stored names, even in instances of mis-keyed or misspelled name entries, as also recited in independent claims 1, 25 and 39 of the present application. In *Shane's* method and system determines whether a correctly

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formatted personal identification code has been entered, and if it has, but no matching personal identification code is found, a web page is displayed by Shane's web page creator stating that the submitted personal identification code could not be found and to try again. *See, Shane*, col. 7, lns. 19-30. Ultimately, Shane's method and system determines whether too many unauthorized access attempts have been made. If they have, Shane's web page creator generates a web page which states that access to the personalized web server is temporarily unavailable. *See, Shane*, col. 6, ln. 61 to col. 7, ln. 9. This is in complete contrast to the method and system of the present invention, where, as recited in independent claims 1, 25 and 39 of the present application, a standard welcome is transmitted to a potential customer, even where the potential customer's login name does not correspond to a stored name, thereby giving the potential customer access to the E-commerce website.

Finally, although Shane discloses the use of mailers, there is no teaching or suggestion in *Shane* of the use of a high visibility mailer, as recited in independent claim 25 and dependent claims 13, 15, 30 and 43, that is designed to get the attention of a potential customer. In one embodiment of the high visibility mailer, a post card stock is chosen having a color that contrasts with the printed letters

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used on the post card. The example given in the present application is a post card chosen to be a bright orange color with sharp contrast with the black lettering used for the mailing names and addresses.

Bezos et al. does not compensate for the noted deficiencies in the teachings of *Shane*. *Bezos et al.* disclose an Internet-based customer referral system that enables individuals and other business entities to market products, in return for a commission, that are sold from a merchant's website. *Bezos et al.* do not disclose or suggest a method and system for inducing potential customers to access and place orders on an E-commerce website in response to a direct mailing, much less a method and system including the features discussed above which are recited in independent claims 1, 25 and 39 of the present application.

Because independent claims 1, 25 and 39 are not obvious over the teachings of the cited references, the remaining dependent claims, which depend either directly or indirectly from such claims, *i.e.*, claims 2-24, 26-38, and 40-52, are also not obvious over the cited references.

In view of the foregoing, it is now believed that all of the claims pending in the application, *i.e.*, claims 1-52, are now in condition for allowance, which action

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is earnestly solicited. If any issues remain in this application, the Examiner is urged to contacted the undersigned at the telephone number listed below.

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